

Owensby, et al. vs. City of Cincinnati, et al.
October 21, 2003

DARREN VERESE SELLERS

1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ESTATE OF ROGER D. :
OWENSBY JR., et al., :
 :
Plaintiffs, :
vs. : Case No. 01-CV-769
 : (Judge S. A. Spiegel)
CITY OF CINCINNATI, :
et al., :
 :
Defendants. :

Videotaped deposition of DARREN VERESE

SELLERS, witness herein, called by the plaintiffs
for cross-examination, pursuant to the Federal Rules
of Civil Procedure, taken before me, Wendy Davies
Welsh, a Registered Diplomate Reporter and Notary
Public in and for the State of Ohio, at the offices
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &
Walnut Centre, 105 East Fourth Street, Cincinnati,
Ohio, on Tuesday, October 21, 2003, at 10:09 a.m.

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1 APPEARANCES:	1 S T I P U L A T I O N S
2 On behalf of the Plaintiffs:	2 It is stipulated by and among counsel for the
3 Paul B. Martins, Esq.	3 respective parties that the deposition of DARREN
4 Don Stiens, Esq.	4 VERESE SELLERS, witness herein, called by the
5 Helmer, Martins & Morgan Co., LPA	5 plaintiffs for cross examination, pursuant to the
6 Suite 1900, Fourth & Walnut Centre	6 Federal Rules of Civil Procedure, may be taken at
7 105 East Fourth Street	7 this time by the notary; that said deposition may be
8 Cincinnati, Ohio 45202	8 reduced to writing in stenotype by the notary, whose
9 Phone: (513) 421-2400	9 notes may then be transcribed out of the presence of
10 John J. Helbling, Esq.	10 the witness; and that proof of the official
11 The Helbling Law Firm, L.L.C.	11 character and qualifications of the notary is
12 3672 Springdale Road	12 expressly waived.
13 Cincinnati, Ohio 45251	
14 Phone: (513) 923-9740	
15 On behalf of the Defendants City of Golf Manor,	
16 Stephen Tilley, Roby Heiland and Chris	
17 Campbell:	
18 Lynne Marie Longtin, Esq.	
19 Rendigs, Fry, Kiely & Dennis	
20 900 Fourth & Vine Tower	
21 One West Fourth Street	
22 Cincinnati, Ohio 45202-3688	
23 Phone: (513) 381-9200	
24 On behalf of Defendants City of Cincinnati,	
Darren Sellers, Jason Hodge:	
Gerri Hernandez Geiler, Esq.	
Assistant City Solicitor	
and	
Julie F. Biggsinger, Esq.	
Chief Counsel	
Department of Law	
Room 214, City Hall	
801 Plum Street	
Cincinnati, Ohio 45202	
Phone: (513) 352-3346	
1 APPEARANCES (Continued):	1 I N D E X
2 On behalf of the Defendants Robert B. Jorg,	2 Examination by: Page
3 Patrick Caton, Jason Hodge, Victor Spellen and	3 Mr. Martins 6
4 Darren Sellers:	4 Ms. Longtin 78
5 Donald E. Hardin, Esq.	5 Mr. Martins 80
6 Hardin, Lefton, Lazarus & Marks, LLC	6 - - -
7 915 Cincinnati Club Building	7 E X H I B I T S
8 30 Garfield Place	8 Deposition Exhibit 37 12
9 Cincinnati, Ohio 45202	9 Deposition Exhibit 38 23
10 Phone: (513) 721-7300	10 Deposition Exhibit 39 27
11 Also present:	11 Deposition Exhibits 40, 41 & 42 41
12 Richard W. Grubb, Videographer	11 Deposition Exhibit 43 14
13 Lisa Damstrom, Law Clerk	11 Deposition Exhibit 44 70
14 Helmer, Martins & Morgan Co., L.P.A.	12 Deposition Exhibit 45 73
15 Mr. Roger Owensby	12 Deposition Exhibit 46 74
16 Mrs. Brenda Owensby	13 - - -
17 Mr. Shawn Owensby	14 - - -
18	15 - - -
19	16 - - -
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21	18 - - -
22	19 - - -
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	23 - - -
	24 - - -

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1 Q. Okay.
2 A. Right. Jorg is -- has his back towards
3 the street. So I guess that's Seymour.
4 Q. Yes.
5 A. His back is towards the street here. All
6 right?
7 Q. Okay.
8 A. Hunter and Caton were both in this area
9 here. I don't know how they were turned or
10 anything, but my attention was brought to him,
11 because he's the one nearest me --
12 Q. Talking to you?
13 A. -- and he's the one doing all the talking.
14 Like I said, he started telling me about some guy
15 named LA, they were looking for him. And I kind of
16 like blew that off, because I don't know anybody
17 over there. I don't know who you're talking about,
18 so it's not a big concern to me.
19 That's when -- after they began talking
20 and saying -- after Jorg began talking and saying
21 stuff like -- all that stuff and everything, that's
22 when Hunter said to the effect, well, I think that's
23 him. That's him right there.
24 Q. Now, where was Hunter when he said that?

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1 A. Hunter was, like I said, he was in this
2 area over here. I don't know where -- which way he
3 was turned, but he was over in this area over here.
4 So then he said, "That's him right there." And I'm
5 like, okay. You know, it still --
6 Q. Right.
7 A. I mean, to me it -- it wasn't a big thing
8 to me at the time. I had to deal with what I had to
9 deal with right then and there. That's when Jorg
10 came out and said, "Well, he's got a lot of balls to
11 come out here and all these police officers and all
12 these cruisers out here."
13 Q. Did -- did you look over to whoever they
14 were referring to?
15 A. Well, as he was talking I could see like a
16 silhouette of a person. And you know, that's just
17 out of my peripheral vision.
18 Q. Wh--
19 A. Big deal.
20 Q. Where was the person?
21 A. The person I seen was walking down
22 Seymour, and he was about to cross the street coming
23 towards the Sunoco.
24 Q. So he was on the other side of the street?

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1 A. He was on the other side of the street.
2 Q. Was it -- was it light or dark or --
3 A. It was --
4 Q. -- or twilight?
5 A. It was kind of -- it was kind of dark out
6 there. We had some -- it was a light in that
7 parking lot right there, right where we were
8 standing at. That's why I couldn't really -- I
9 couldn't make out what he even had on or anything or
10 if it was a he or a she. I just -- could see a body
11 or a person walking down the street.
12 Q. Okay. Please continue.
13 A. And that's when Hunter said, well "That's
14 him. Is that -- I think that's him. I think that's
15 him." And one of -- one of them said, "You sure?"
16 He's like, "I think so." So we began talking some
17 more. And then that's when Jorg said, "Well, we're
18 going to go over here and investigate and see who
19 this guy is."
20 Jorg, Caton, and Hunter, all three, walked
21 down Seymour towards the Sunoco. I went and got
22 back in the car with my partner. And the prisoner
23 we had in there, he wanted to tell where he had
24 gotten the marijuana from. That's why we had the

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1 under-- the plainclothes car come up there. And
2 they met us -- they -- they were at -- on station
3 at, I guess it was --
4 Q. Roselawn?
5 A. -- Roselawn Park. They were sitting there
6 waiting on us. Well, then the -- in between that
7 time, that's when the radio, we heard a whole bunch
8 of like -- it wasn't screaming, but it was a lot of
9 static and a lot -- you could hear a person on there
10 like they were struggling or something, on the
11 radio. And that's when the officer needs assistance
12 came out. I turned and looked at Hasse. Hasse
13 said, "That's them, go get them, go help them." So
14 I -- I sprinted from over here all the way down
15 towards the Sunoco to where I seen those -- those
16 guys at.
17 Q. Can you draw an arrow indicating the path
18 that you took from your car to the area where you
19 saw everyone.
20 A. Okay.
21 Q. Okay. Thank you.
22 A. Uh-huh.
23 Q. Let me ask you a few things. Had -- do
24 you know whether or not Officer Caton talked to your

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